

Ryan T. Beard (admitted *pro hac vice*)  
 rbeard@intprop.com  
**MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL**  
 1120 South Capital of Texas HWY  
 Building 2, Suite 300  
 Austin, Texas 78746  
 Tel: (512) 853-8800 / Fax: (512) 853-8833

Michael G. Burk (admitted *pro hac vice*)  
 burk@burklaw.com  
**The BURK LAW FIRM, P.C.**  
 248 Addie Roy Road, Suite A-203  
 Austin, Texas 78746  
 Phone: (512) 306-9828 / Facsimile: (512) 306-9825

Christopher L. Pitet (SBN 196861),  
 cpitet@octrials.com  
**GROBATY AND PITET LLP**  
 100 Bayview Circle, Suite 201  
 Newport Beach, CA 92660  
 (949) 502-7760 (telephone)  
 (949) 502-7762 (facsimile)

*Attorneys for Plaintiff*  
 Large Audience Display Systems LLC

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

LARGE AUDIENCE DISPLAY  
 SYSTEMS, LLC

Plaintiff,

vs.

TENNMAN PRODUCTIONS, LLC,  
 JUSTIN TIMBERLAKE, THE LOS  
 ANGELES LAKERS, INC., BRITNEY  
 TOURING, INC., BRITNEY SPEARS,  
 STEVE DIXON and MUSIC TOUR  
 MANAGEMENT, INC.,

Defendants.

Case No. CV 11-03398 AHM (RZx)

DECLARATION OF MICHAEL G.  
 BURK IN SUPPORT OF  
 PLAINTIFF'S OPPOSITION TO  
 DEFENDANTS' MOTION TO STAY  
 PENDING OUTCOME OF  
 REEXAMINATION

Hearing Date: January 9, 2012  
 Hearing Time: 10:00 a.m.  
 Place: Courtroom 14  
 Hon. A. Howard Matz

1  
2           1.     My name is Michael G. Burk. I am over the age of 21, of sound mind,  
3 and competent to make this declaration. I am the lead counsel of record for Plaintiff  
4 Large Audience Display Systems LLC ("LADS") in the above-mentioned proceeding.  
5 I submit this Declaration in support of Plaintiff's opposition to Defendants' *Motion for*  
6 *Stay Pending Outcome of Reexamination*. I have personal knowledge of the facts  
7 contained herein.

8           2.     LADS filed this lawsuit in the Eastern District of Texas on November 11,  
9 2009. Defendants waited until November 11, 2011, a full two years after the filing of  
10 this lawsuit, to file their Request for Reexamination with the United States Patent  
11 Office.

12           3.     Defendants' accused infringing products are not mass-produced and sold  
13 worldwide. The Defendants' infringing large audience display systems are custom-  
14 built systems believed to cost hundreds of thousands of dollars and which involve  
15 numerous components (e.g., large displays, huge structures for supporting the displays,  
16 projection systems, mechanical components for controlling the displays, complex  
17 sound and computer systems, etc.).

18           4.     According to an e-mail dated October 11, 2011 from counsel for  
19 Defendants Tennman Productions, LLC, Justin Timberlake, Britney Touring, Inc., and  
20 Britney Spears (a true and correct copy of which is attached hereto as **Exhibit 1**) and  
21 my telephone conversations with such counsel, those Defendants no longer possess the  
22 components for their infringing systems. According to this attached e-mail from  
23 counsel for Defendants Tennman Productions, LLC, Justin Timberlake, Britney  
24 Touring, Inc., and Britney Spears and my telephone conversations with such counsel,  
25 the components were leased from third parties and returned after the end of their  
26 respective tours. It is my understanding that employees hired by Defendants Tennman  
27 Productions, LLC, Justin Timberlake, Britney Touring, Inc., and Britney Spears for the  
28

1 tours were under contract for the specific tours, and, once those tours ended, the  
2 employees moved on to other opportunities.

3       5. Discovery has begun in this case after the long motion to transfer venue  
4 proceedings that resulted in the transfer of this case from the Eastern District of Texas  
5 to this Court. Initial disclosures have been made by all of the parties and Plaintiff has  
6 sent Defendants requests for production, interrogatories, and deposition notices. After  
7 having requested and received Plaintiff's agreement to several extensions of time,  
8 Defendants will be responding to requests for production and interrogatories prior to  
9 the hearing on Defendants motion to stay, and by agreement of the parties in order to  
10 avoid a motions practice, depositions will follow shortly thereafter if this Court denies  
11 Defendants' *Motion to Stay*. Additionally, the Court has already set a trial date.

12       6. Attached hereto are true and correct copies of the following documents:

13  
14       **Exhibit 1:** 10/21/11 Email from Andrew Langsam

15       **Exhibit 2:** United States Patent No. 6,669,346 (the "346 Patent")

16       **Exhibit 3:** *Inter Partes* Reexamination Filing Data – September 30,  
17 2011

18       **Exhibit 4:** USPTO Fiscal Year 2011 Performance Measures

19  
20       **Exhibit 5:** US Court of Appeals for the Federal Circuit Median Time to  
21 Disposition in Cases Terminated After Hearing or  
Submission

22       **Exhibit 6:** Declaration of Steve Dixon

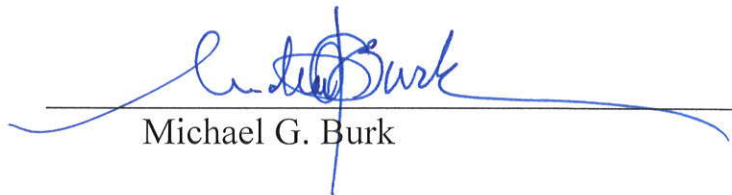
23       **Exhibit 7:** Declaration of Kevin Bilida

24       **Exhibit 8:** Declaration of James L. Perzik

25       **Exhibit 9:** United States Patent No. 6,280,341 B1 ("Hayashi")  
26  
27  
28

1 I declare under penalty of perjury of the laws of the United States of America  
2 that the foregoing is true and correct.”

3 Executed on December 8, 2011.

4  
5  
6   
7 Michael G. Burk  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28